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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,400	04/15/2004	Tetsuyo Ohashi	03500.018073	6415

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EXAMINER

CULLER, JILL E

ART UNIT PAPER NUMBER

2854

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/824,400	Applicant(s) OHASHI ET AL.	
	Examiner Jill E. Culler	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on April 15, 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20040415, 20040429</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S.

Patent No. 6,332,068 to Blackman et al.

With respect to claim 1, Blackman et al. teaches a both-side recording apparatus including a sheet conveying roller, 78, a recording unit, 12, and a sheet inversion unit, 22, comprising: a first sheet path extending from said sheet conveying roller through said sheet inversion unit and returning to said sheet conveying roller; a second sheet path extending substantially linearly at an upstream side of said sheet conveying roller; wherein said first sheet path and said second sheet path commonly share a part thereof. See column 6, lines 23-52, column 7, lines 38-62, and Figures 5 and 10 in particular.

With respect to claim 2, Blackman et al. teaches that the second sheet path is so formed as to maintain a position of a recording medium in said recording unit, positioned adjacent to said sheet conveying roller. See reference numeral 114 in Figures 5-10 and column 6, lines 35-37.

With respect to claim 3, Blackman et al. teaches a movable flap, 64, 66, provided in said shared part of the sheet paths and serving to select said first sheet path or said

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second sheet path. See column 6, lines 32-35 and column 7, lines 44-51 and the Figures.

With respect to claim 4, Blackman et al. teaches the movable flap can be biased to guide the recording medium into said first sheet path, and be retracted when a recording medium of a predetermined rigidity or higher passes, thereby guiding the recording medium to said second sheet path. See column 7, lines 44-51. It should be noted that the structure is capable of biasing the levers to select either path. The claim language which recites this biasing taking place under given conditions is functional and does not further limit the structure of the claim and therefore cannot patentably distinguish this claim over the prior art.

With respect to claim 5, Blackman et al. teaches the second sheet path is provided between two inversion rollers, 60, 70, in the sheet inversion unit. See Figure 2.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 5,196,897 to Trask, U.S. Patent No. 6,293,716 to Driggers et al., U.S. PGPUB 2002/0057322 to Tanikawa et al. and U.S. PGPUB 2004/0086310 each teach an apparatus having obvious similarities to the claimed subject matter.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill E. Culler whose telephone number is (571) 272-2159. The examiner can normally be reached on M-Th 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jec



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